

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

LEA LOCKWOOD,)	
)	
Plaintiff,)	
)	
vs.)	Civil No. 15-cv-1080-CJP¹
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social)	
Security,)	
)	
Defendant.)	

MEMORANDUM and ORDER

PROUD, Magistrate Judge:

This matter is now before the Court on the parties' Motion to Remand to the Commissioner. **(Doc. 30).**

The parties agree that this case should be remanded to the agency for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993).

The parties agree that, on remand, the Appeals Council will instruct the ALJ to readjudicate plaintiff's claim and plaintiff shall be given an opportunity

¹ This case was referred to the undersigned for final disposition upon consent of the parties, pursuant to 28 U.S.C. §636(c). See, Doc. 11.

for a hearing. The ALJ will evaluate any substance abuse disorder in accordance with 20 C.F.R. 404.1520a and SSR 13-2p. If necessary, the ALJ will obtain additional medical opinion evidence about plaintiff's functioning during periods of sobriety. The ALJ will provide a narrative discussion describing how the evidence supports each conclusion, citing specific medical facts and nonmedical evidence. The ALJ will evaluate the medical opinions of record in accordance with the regulations and rulings and, if the RFC assessment materially conflicts with a medical opinion, explain how the conflict was resolved. If plaintiff is unrepresented, the ALJ should ensure on the record that plaintiff has been properly advised to the right of representation and that she is capable of making an informed choice about representation in accordance with the Hearings, Appeals, and Law Litigation Manual (HALLEX).

For good cause shown, the parties' Motion to Remand (**Doc. 30**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Lea Lockwood's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to **four** of 42 U.S.C. §405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

DATED: July 20, 2016.

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE